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FILED

APRIL 29, 2005

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Frederic Nahas, M.D.  
License No.: MA34979

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY!  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information that Frederic Nahas, M.D. had engaged in acts relating adversely to the practice of medicine.

The Attorney General filed an Administrative Complaint on December 18, 2003 alleging, among other things, that his activity constituted violations of N.J.S.A. 45:1-21(f). Dr. Nahas filed an Answer on January 13, 2004 whereby he admitted the allegations in part and denied them in part. The Attorney General filed a Motion for Summary Decision on March 1, 2005. The hearing on the

**Attorney** General's motion **was** scheduled for April 13, 2005. Prior to the **hearing** the matter was resolved as set forth in this Order.

The **parties, having agreed** to the resolution of this matter without further proceedings, **and** Respondent having agreed and given **his** voluntary consent to the within **Order** on the record on April 13, 2005, and the Board finding the within disposition adequately protective of the public health, **safety** and welfare, and other good cause having been shown,

IT IS, therefore on this 26<sup>th</sup> day of April, 2005

**ORDERED AND AGREED THAT**

1. The Board finds, and Dr. **Nahas** acknowledges, that Dr. Nahas committed acts relating **adversely** to the practice of medicine as that term is described in **N.J.S.A.45:1-21 (f)**.

2. Dr. Nahas's license to practice medicine in the state of **New Jersey** is hereby actively suspended for a period of nine **(9)** months effective **April 13, 2005**.

3. Dr. Nahas shall, within nine months following the entry of this Order, take and successfully complete **an** ethics course approved in **advance** by the Board, **at** his own expense. Successful completion means that all sessions were attended, **all** assignments were properly and appropriately completed, and a passing grade was **achieved** which was unconditional and without reservation. Respondent shall submit proof of successful completion of said course-work to the Board within nine months hereof.

4. Dr. Nahas shall, within nine months following the entry of this Order, take and successfully complete a medical record **keeping** course approved in advance by the Board. **at** his own expense. Successful completion means that **all** sessions were attended, **all** assignments were properly and appropriately completed, and a passing grade **was** achieved which **was** unconditional and without reservation. Respondent shall submit proof of successful completion of said course-**work** to the Board within nine months hereof.

5. If Dr. Nahas **fails to** successfully complete either the ethics **or** the record keeping courses **during** his period of active suspension he shall remain on probation until he has successfully completed both of these courses.

6. As a follow-up to the ethics and record keeping courses, Dr. Nahas voluntarily agrees to meet with the Medical Director of the Board of Medical **Examiners** on a **quarterly** basis for one year following the reinstatement of his license.

7. Dr. Nahas shall **pay** all costs of investigation and attorneys fees in the amount of \$8591. Payment shall be made by **check** or money order made payable to the New Jersey Board of Medical Examiners and **mailed** to the New Jersey **State** Board of Medical Examiners, **140** E. Front Street, **P.O. Box** 183, Trenton, New Jersey 08625-0183. Payment in full shall be received by the Board of Medical Examiners on or before **April 25, 2005**. The Board **reserves** the right to file a certificate of debt in the event payment in full **is** not received.

8. One month prior **to** the conclusion of his suspension, Dr. **Nahas** shall be scheduled for an **appearance** before the a committee of the Board **to** discuss **his** progress and compliance with this Order.

9. Dr. Nahas shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended. Revoked or Whose Surrender of Licensure has been **Accepted,**" attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

Bernard Robins, M.D., F.A.C.P.  
Board President

I have **read** the within Order  
and agree to its terms.

  
Frederick Nahas, M.D.

I hereby consent **to** the form and  
entry of the within Order.

  
Robert Paarz, Esq.

## ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: \_\_\_\_\_

List the Name and Address of any and all Health Care facilities with which you are affiliated:

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List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

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Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

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<sup>1</sup> Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the **Addendum** to these Directives. The information provided **will be** maintained separately and will not **be part** of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, **as required by N.J.A.C. 13:45C-1 et seq.** Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without **prejudice**. Paragraph 5 applies to licensees who **are** the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration **and**, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to **suspensions** of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the **DEA** to advise of the resumption of practice **and** to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee shall **cease and desist** from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional **services, but also** from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or **surrender**, the licensee **must** truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office **space** in which another licensee **provides** health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number **by** any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who **is** using his/her office **during** the **period** that the licensee is **suspended**, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### 3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### 4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which **the** practice **was** conducted. At the end of the three month period, the licensee **shall** file with the Board the name and telephone number of **the** contact person **who will** have access to medical records of former patients. **Any** change in that individual or his/her telephone number **shall be** promptly reported to the Board. When a patient or his/her representative requests a **copy** of his/her medical **record** or **asks** that **record be forwarded** to another health care provider, the **licensee** shall promptly **provide** the record **without** charge to the patient.

## **5. Probation/Monitoring Conditions**

With respect to any **licensee** who is the **subject** of any Order imposing a probation or monitoring requirement or a **stay of** an **active** suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring **requirement**, the licensee **shall** fully cooperate with **the** Board **and its designated** representatives, including the Enforcement Bureau of the **Division of Consumer Affairs**, in ongoing monitoring of the **licensee's status and** practice. Such monitoring shall **be** at the **expense** of the disciplined practitioner.

(a) Monitoring of practice conditions may include, **but is** not limited to, inspection of the professional premises and equipment, **and inspection and** copying of patient **records** (confidentiality of patient identity shall **be** protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner **may** include, **but is** not limited to, practitioner cooperation in providing releases permitting unrestricted access to records **and** other information **to the extent permitted by law from** any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for impaired practitioners. If **bodily** substance monitoring has been ordered, the practitioner shall fully cooperate **by** responding to a demand for breath, **blood**, urine or other sample in a timely manner and providing the designated sample.



**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.